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Dated: November 27, 2007

Wendy Balabon

Docket No.: 66221-0048
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lawrence S. Young et al.

Application No.: 10/538,546

Confirmation No.: 5446

Filed: June 10, 2005

Art Unit: 1642

For: CANCER IMMUNOTHERAPY USING
POLYCOMB PROTEINS

Examiner: C. Joyce

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement set forth in the Office Action mailed September 28, 2007 (Paper No. 20070924), Applicants hereby provisionally and with traverse elect Group I, comprising claims 29, 31-34, 36-39, 41-43, 45-47, 49-50-52, 54-61, and 63-66, *inter alia*, wherein the polycomb protein is Enx/EZH2, for continued examination.

The Examiner has required election and restriction between:

Group 1: Claims 29, 31-34, 36-39, 41-43, 45-47, 49-50-52, 54-61, and 63-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, wherein the polycomb protein is Enx/EZH2;

Application No.: 10/538,546

Docket No.: 66221-0048

Reply to Office Action of September 28, 2007

Group 2: Claims 29-30, 32-33, 34-35, 37-40, 42-44, 46-48, 50-62, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is BMI-1;**

Group 3: Claims 29, 32-34, 37-39, 42-43, 46-47, 50-52, 54-61, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is EED;**

Group 4: Claims 29, 32-34, 37-39, 42-43, 46-47, 50-52, 54-61, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is Ring-1;**

Group 5: Claims 29, 32-34, 37-39, 42-43, 46-47, 50-52, 54-61, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or

Application No.: 10/538,546
Reply to Office Action of September 28, 2007

Docket No.: 66221-0048

epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is HPH1;**

Group 6: Claims 29, 32-34, 37-39, 42-43, 46-47, 50-52, 54-61, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is HPH2;**

Group 7: Claims 29, 32-34, 37-39, 42-43, 46-47, 50-52, 54-61, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is HPC3; and**

Group 8: Claims 29, 32-34, 37-39, 42-43, 46-47, 50-52, 54-61, and 64-66, as drawn to a polycomb protein, a polynucleotide encoding the polynucleotide protein, a host cell transfected or transduced with one or more of a polycomb protein, or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, or a method of treating cancer by administering to a patient a polycomb protein or an immunogenic peptide or epitope derived therefrom, or an isolated polynucleotide encoding said protein, peptide or epitope, **wherein the polycomb protein is CtBP.**

The Examiner's reasons for the restriction, in which Applicants do not acquiesce, are that in the Examiner's view, the application contains inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants respectfully submit their belief that, the reasons set forth by the Examiner notwithstanding, similar

Application No.: 10/538,546
Reply to Office Action of September 28, 2007

Docket No.: 66221-0048

or overlapping searches may be required for each claim group identified by the Examiner. Accordingly, it is respectfully submitted that the Examiner will be required to search art related to the groups as part of the analysis of the claims in Group I, and the Examiner is requested to withdraw the restriction requirement. *See* MPEP §803, which states that "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Applicants believe that any fees due with this response are identified in the accompanying transmittals. However, if additional fees are due, please charge our Deposit Account No. 18-0013, under Order No. 66221-0048 from which the undersigned is authorized to draw.

Dated: November 27, 2007

Respectfully submitted,



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